

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Patrick Knighton, #09241-017,

C/A No. 4:18-2835-JFA

Petitioner,

vs.

B.M. Antonelli, Warden,

ORDER

Respondent.

On October 18, 2018, Patrick Knighton (“Petitioner”), proceeding *pro se*, filed this action pursuant to 28 U.S.C. § 2241 against Respondent. Thereafter, in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d), (D.S.C.), the case was referred to a Magistrate Judge for review.

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this Court should dismiss the Petition without prejudice and without requiring Respondent to file a return because Petitioner has not demonstrated that a motion filed pursuant to § 2255 is inadequate or ineffective to test the legality of his sentence. (ECF No. 7). The Report sets forth in detail the relevant facts and standards of law on this matter, and the Court incorporates such without a recitation.

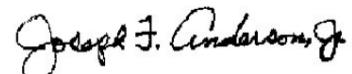
¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Petitioner was advised of his right to file objections to the Report, which was entered on the docket on November 5, 2018. (ECF No. 7). The Magistrate Judge required Petitioner to file objections to the Report by November 19, 2018. However, Petitioner did not file objections and the time to do so has now expired. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give any explanation for adopting the Magistrate Judge's recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation. The Petition (ECF No. 1) is dismissed without prejudice and without requiring Respondent to file a return.

IT IS SO ORDERED.

December 5, 2018
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge